

## Amendments to the Claims

This listing replaces all prior versions and listings of claims in the application.

### **Listing of Claims**

1. (Currently Amended) DNA comprising a nucleotide sequence of a mutated *TipA* gene promoter where a mutation of a CAGCGT sequence to a TATAAT sequence is introduced into a -10 region sequence of a *TipA* gene promoter, which has a nucleotide sequence of SEQ ID NO: 107, the mutated *TipA* gene promoter being capable of thiostrepton-independent and constitutive expression of a gene located downstream thereof.
2. (Cancelled)
3. (Cancelled)
4. (Currently Amended) A constitutive expression vector for a bacterium belonging to the genus *Rhodococcus* comprising: a promoter sequence for the constitutive expression of a foreign gene, the promoter sequence being a nucleotide sequence of DNA according to ~~any one of claims 1 to 3~~ claim 1; a ribosome-binding site sequence located downstream of the promoter sequence; and a multiple-cloning site sequence capable of incorporating a foreign gene therein, located downstream of the ribosome-binding site sequence.
5. (Currently Amended) The constitutive expression vector for a bacterium belonging to the genus *Rhodococcus* according to claim 4, wherein the vector is selected from the group consisting of pNit-RT1 having a nucleotide sequence represented by SEQ ID NO: 101, pNit-RT2 having a nucleotide sequence of represented by SEQ ID NO: 102, pNit-RC1 having a nucleotide sequence of represented by SEQ ID NO: 105, pNit-RC2 having a nucleotide sequence of represented by SEQ ID NO: 106, pNit-QT1 having a nucleotide sequence of represented by SEQ ID NO: 99, pNit-QT2 having a nucleotide sequence of represented by SEQ ID NO: 100, pNit-QC1 having a nucleotide sequence of represented by SEQ ID NO: 103, and pNit-QC2 having a nucleotide sequence of represented by SEQ ID NO: 104.

6. (Currently Amended) The expression vector according to claim 4 ~~or 5~~, wherein the bacterium belonging to the genus *Rhodococcus* is selected from the group consisting of *R. erythropolis*, *R. fascians*, and *R. opacus*.
7. (Currently Amended) The expression vector according to ~~any one of claims 4 to 6~~ claim 5, wherein the vector further comprises a DNA region necessary for the autonomous replication of a plasmid for *Escherichia coli*, and is capable of replication in *Escherichia coli*.
8. (Currently Amended) A transformant comprising an expression vector according to ~~any one of claims 4 to 7~~ claim 5.
9. (Currently Amended) A method of producing a recombinant protein at a temperature ranging from 4°C to 35°C by using an expression vector according to ~~any one of claims 4 to 7~~ to claim 5.